

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Martin Moynihan on September 10, 2009.
3. The application has been amended as follows:

Claims 33-45 and 53-54 (Canceled)

DETAILED ACTION

Allowable Subject Matter

4. Claims 1-7, 15-32, and 46-52 are allowed.
5. The following is an examiner's statement of reasons for allowance:

Claims 1-7, 15-32, and 46-52 are considered allowable for reasons of record as noted by applicant's response mailed on March 4, 2009, see pages 13 and 14.

The prior art fails to teach or reasonably suggest, along with ALL, other claimed limitations an imaging apparatus or method comprising; namely, imaging by a first modality by *ionizing radiation*, imaging by a second modality a second structural image, said structural image being an *ultrasonic image*, and computing a *set of attenuation instructions* for said first image, *based at least on non-uniformities in said second, structural image*. Combining a non-

contact imaging method as in the first image that uses ionizing radiation, with a contact imaging method as in the second imaging method that uses ultrasonic imaging is not a common practice and is known only to the extent that it is taught to be advantageous to combine images from “other modalities,” as evidenced by the passage discussed in Liebig (C4 L15-34). However, apart from co-registering an image Liebig teaches using non-uniformities in the SPECT or PET image to correct image data in other modalities but upon further consideration does not suggest to one of ordinary skill reversing the process and using “other modalities” such as ultrasound to correct for non-uniformities in the scanned image.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA L. ELEY whose telephone number is (571)272-9793. The examiner can normally be reached on Monday - Friday 10:00-6:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Dave Porta can be reached on (571) 272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David P. Porta/
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2884

/J. L. E./
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